# **GRANT** NEW TRIAL TO NEGRO RIOTERS

Supreme Court for Second Time Sends Case Back and Men Will Probably Go Free.

[Special to The Times-Dispatch.]
STAUNTON, VA., September 15.—
With opinions handed down, numerous petitions for appeals passed upon, and three cases argued, this was a busy day in the Supreme Court of Appeals. There are only six more cases to be heard, so that the term is nearing its

There are only six more cases to be heard, so that the term is nearing its end.

An opinion affecting the Byrd liquor law was handed down this morning in the case of O'Donnell vs. the Commonwealth. O'Donnell, having a license to sell liquor in Harrisonburg, was indicted in the Circuit Court for violating the statute regarding selling liquor to intoxicated persons. O'Donnell was fined \$500. The question raised was that O'Donnell did not sell the whiskey himself, but one of his barkcepers did, and the ruling was that the proprietor absenting himself from his place of business does not relieve him of the responsibility for the illegal sale.

The court granted new trials to the megroes Burton and Conquest, convicted in Norfolk on change of venue in the Onancock race riot cases and given one year each in the penitentiary. This is the second time that these cases have been heave he

one year each in the pentientiary. This is the second time that these cases have been before the Supreme Court. The defendants were first convicted in Accomac county and given heavy penitentiary sentences. They appealed, and these sentences were set aside, with the cases transferred to Norfolk. Conquest and Burton are now in the Norfolk jail. The cases will likely be nolle prosequied.

Opinions Handed Down.
Opinions were handed down in the following cases:
By Judge Keath:
Burton and Conquest vs. Commonwealth. Accouna race riot case. Corporation Court of city of Norfolk. Reversed. poration Court of city of Alberta Com-versed, Chesapeake and Ohio Rallway Com-pany vs. Rowsey's Administrator. Cir-cuit Court of Alberta County. Af-

pany vs. Rowsey's Administrator. Circuit Court of Albemarle county. Affirmed.

By Judge John A. Buchanan:
O'Donnell vs. Commonwealth. Circuit
Court of Rockingham county. Affirmed.
Harvey et als. vs. Hofman et als.
Circuit Court of Botetourt county. Affirmed. Petitions for appeals.
New York, Philadelphia and Norfolk
Railway Company. Parker's Administratrix. Circuit Court of Northampton county. Writ of error and supervedeas. Bond. \$12,500.
Petitions for Appeal.
New York, Philadelphia and Norfolk
Railway Company vs. Wilson's Administrator. Circuit Court of Northampton county. Writ of error and supersedeas. Bond. \$12,500.
Moorman's Administrator et als. vs. Buford et als. Corporation Court of city of Roanoke. Appeal. Bond. \$200.
Western Union Telegraph Company vs. Crove and Crenshaw. Law and Equity Court of city of Richmond.
Garst vs. Fitzwater Wheel Company.
Circuit Court of Botetourt county. Appeal refused.
Campbell vs. Commonwealth. Circuit Court of Buchanan county. Writ of error refused.
Lee et als. vs. Lee et als. Circuit Court of Buchanan county. Appeal refused.

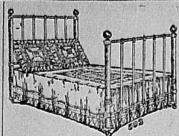
of error refused.

Lee et als. vs. Lee et als. Circuit
Court of Buchanan county, Appeal re-Greaver vs. Chesapeake and Ohio Railway Company. Circuit Court of Augusta county. Writ of error re-

Augusta County, fused,
German National Insurance Company,
vs. Virginia State Insurance Company,
Circuit Court of city of Richmond. Rehearing granted merely for purpose of
correcting order as to costs and final

Argued by D. O. Deckert for appellant and S. F. Tarennes for appellee, and submitted.

Baltimore and Ohio Railway vs. Lec. Continued.



\$16.50

Fully Worth \$30.

Others at \$25 to \$60. Iron Beds, all colors, from \$6.50 to \$35.



We Have the Best Assortment of

### Carpets, Rugs and Druggets

\$25 buys a 9x12 Axminster Rug. Brussels 9x12 Rugs at \$15, \$16.50 and \$20.

Chamber Suits, Parlor Suits, Dining-Room Suits.

### ROTHERT & CO.,

Fourth and Broad Streets. The Plain Price Store.

Gate City Saturday night, and the

The next cases to be heard are Bruce s. Wampler and Hoover vs. Baugh. Court will probably adjourn Thursay, as there are only four more cases in the docket. stronghold, already numbering mo on its rolls than the ordinary Dem

Clubs Being Formed and Thorough Organization Perfected.

[Special to The Times-Dispatch.]
GATE CITY. VA. September 15.—

A Bryan-Kern Byar Club, with a memitable of the Democrats of the county. Scott will tell a different story from the one it has been telling the past few years.

# ECOMING approach with dread, for nothing compares to the pain of child-birth. The thought of the suffering in store for

her robs the expectant mother of pleasant anticipations.

Thousands of women have found the use of Mother's Friend robs. confinement of much pain and insures safety to life of mother and child. This liniment is a God-send to women at the critical time. Not only does Mother's Friend carry women safely through the perils of

tion mailed free.
THE BRADFIELD REGULATOR CO.
Atlanta. Ga.

child-birth, but it pregress the system for the coning event, relieves "morning sickness," and other discomforts. Sold by druggists at \$1.00. toon malled free.

MEDICAL OPINIONS OF

# BUFFALO LITHIA SPRINGS WATER Strong Testimony From the

University of Virginia.

"IT SHOULD BE RECOGNIZED AS AN ARTICLE OF MATERIA MEDICA" James L. Cabell, M. D., A. M., LL. D., former Prof. Physiology and Surgery in the Medical Department of the University of Virginia, and Pres. of the National "BUFFALO LITHIA WATER in Uric Acid Diathesis is Board of Health." Bush a well-known therapeutic resource. It should be recognized by the profession as an article of Materia Medica." "NOTHING TO COMPARE WITH IT IN PREVENTING URIC ACID DEPOSITS IN THE BODY."

Dr. P. B. Barringer, Chairman of Faculty and Professor of Physiology, University of Virginia, Charlottesville, Va.: "Aftertwenty years' practice I have no healtancy in stating that for prompt re-BUFFALO LITHIA WATER in preventing Uric Acid Deposits in the body."

I HNOW OF NO REMEDY COMPARABLE TO IT." Wm. B. Towles, M. D., late Prof. of Anatomy and Materia Medica, University of Va.: "In Uric Acid Diathesis, Gout, Rheumatism, Rheumatic Gout, Renal Calculi and Stone in the Bladder, BUFFALO LITHIA WATER No. 25 Voluminous medical testimony sent on request. For sale by the general drug and mineral water trade.

BUFFALO LITHIA SPRINGS WATER CO. BUFFALO LITHIA

# MEN OF ASHLAND HAVE REAL FEAST

Banquet Given by Business Men's Association Affords Pleasure, and Will Prove Benefit.

[Special to The Times-Dispatch.]
ASHLAND, VA., September 15.—The banquet of the Business Men's Association of Ashland, held at the Henry Clay Inn to-night, was a decided success. Covers were had for fifty, and every seat was occupied. Dr. A. C. Ray, president of the association, presided. The blessing was asked by the Rev. C. S. Ellers, of the Christian Church. The menu was very tempting and

The menu was very tempting and beautifully served.

An hour or more was devoted to the supper, after which the table was cleared and the speakers of the evening were introduced by Dr. Ray, who acted as toastmaster. These were the toasts:

STATE LOSS ITS

The men's wa very templing and boddirfully served.

In proceed as foatmaster. These were the way alone of the process of the Ex-Senator Henry S. Kane, who is a fine organizer and a tireless worker. Branner vs. Branner's Administrator, and S. F. Tarennes for appellea, and the submitted.

Baltimore and Ohio Railway vs. Lee, Inclinated Hopkins vs. Wampler, Argued by E. Crawford and D. O. Deckert for appellee, and submitted.

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The Perry woman at once appealed to the police to take the child.

To-night a six-weeks-old baby was found in an alley behind the Monticello Hotel snugly tucked away in a basket. There was no note of explanation. It is a pretty baby and handsomely dressed.

NORFOLK FEELS TWISTER,

NORFOLK FEELS TWISTER.

Heavy Sea Running, While Sand Dunes Reiard Railway Traffic. [Special to The Times-Dispatch.]
NORFOLK, VA., September 15.—Norfolk has been in the grasp of the advance disturbance of the tropical twister, now said to be coming slowly up the coast, and unless it veers the hardest part of the blow will be registered late to-night.

On the coast the wind has been blowing throughout the day at the rate of thirty-six miles an hour, and thirty-three miles in Norfolk. The sea is running high, and the incoming tide this morning reached the board walk at Virginia Beach, and broke over the sand bluffs at Cape Henry. Great gusts of sand make out-of-doora living exceedingly disagreeable. In order to maintain schedules the Norfolk and Southern has had to maintain a corps of sand shovelers all day along the beach, the sand covering the tracks every few minutes.

A report has reached the city that an unknown five-masted schooner went ashore below Virginia Beach this morning, and that the crew was ramoved from the vessel by the life-savers, While not verified this afternoon, the report seems authentic.

Shipping has been generally interrupted by the storm, and all of the regular sailings delayed. Incoming steamers report rough experiences at sea, and they have been reported from three to six hours averdue.

# Dr. Lyon's **Tooth Powder**

beautifies the teeth, and Purifies the breath A superior dentifrice for people of refinement Established in 1866 by

J. H. Lyon, D.D.S.

NORFOLK, VA., September 15.—The Norfolk police were stirred to-day by the finding of two abandoned white infants, within a few hours of each other, and despite the work of a haif dozen plain clothes men, no clue has been discovered leading to identity of either of them.

Early this afternoon Amanda Perry turned over a two-year-old child to the police, left with her by the supposed father, who was registered at the Lynnhaven Hotel, but left hurriedly yesterday morning. He registered as James Culver and secured the services of the Perry woman through a waiter, to care for the child for a day.

This morning the Ross woman received a letter signed "A Friend of the Family," in which the writer, presumably Culver, denied he is the child's father, saying it is the daughter of the Sunday it is the daughter of the Sunday it is the daughter of and child sixteen months ago.

He said he was going to Richmond, searching for the child. He urged the woman to see that the child is cared for, and assures her she will be paid. He admits he registered under an alias. The Perry woman at once appealed to the police to take the child. To-night a sixt-week-old baby was

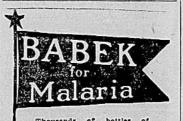
the conclusion of the Circuit Court for the District of South Carolina appealed from should be affirmed."

Ilistory of the Litigation.

The State of South Carolina established the dispensary in 1882. By the provisions of the act which established it all persons in the State were forbidden from manufacturing, selling or distributing any liquors of intoxicating qualities. The business was carried on by a board of directors, whose duty it was to purchase all liquors for lawful use in the State. Under this law all of the funds arising from the sale of spirituous liquors were to be deposited with the treasurer and held distinct from the general funds.

In 1907 a law abolishing the dispensary was passed by the Legislature and another law passed, empowering the Governor to appoint a commission to close out the business of the institution by collecting the debts due it and paying all just liabilities. The act also provided that the commission should make such disposition upon such terms as its judgment might dictate, and also allowed the commission to return such liquors as had been lilegally purchased, and it was authorized to make such investigation as it deemed proper to disclose illegal purchases.

Son after the commissioners took charge of the business and property of the general property of the surface of the business and property of the general property of the surface of the business and property of the general property of the surface of the business and property of the general property of the surface of the business and property of the general property of the gene



Thousands of bottles of Babek are used in Richmond and vicinity every year, and especially at this time of the year there is a large demand for this preparation, as Malaria, Chilis and Fever are provalent. If you are unable to secure Babek at your druggists we will consider it a favor if you will write us direct and we will see that your order is filled.

All Progressive Druggists and Country Stores have it. 50c. Bottlea.

The Babek Co., Washington, D. C.

## The GREATEST Success Ever PUT on the MARKET



THE NAME PATTERSON ON TOBACCO STANDS FOR QUALITY

# SCHOOL DAYS ARE HERE

### GET THE CHILDREN A NEW PIANO!

Just now, right at the beginning of the school year, is certainly a good time to purchase the children a new standard

And let it be a good Piano, for the musical education of your children depends largely upon it. A cheaply constructed instrument will be a drawback to the most talented child.

There are almost a dozen different makes of PIANOS OF KNOWN QUALITY HERE. They are indorsed by the great music teachers, the famous performers and by the whole

One in your home means but one thing-satisfaction! Note these well-known makes:

### Steinway, Hardman, Kimball, Wheelock, Standard, Stuyvesant, Haines, Brewster, Weser.

Another thing, you trade with a reliable house here-the oldest music house in Virginia.

THE PRICES ARE MOST REASONABLE, THE TERMS EASY, AND WE WILL ACCEPT YOUR OLD PIANO IN PART PAYMENT!

Either call to see us or write for full information.

# Walter D. Moses & Co.

103 East Broad Street. OLDEST MUSIC HOUSE IN VIRGINIA.

## We Are Still Selling

the elegant stock of Hardware and Household Articles of

### HARRIS-ELLETT HARDWARE CO., 409 East Broad Street,

at 40 per cent. discount for the cash, to wind up the business. A chance you don't often get. You'll be sorry you did not come earlier. Plenty of good stock left yet, but it's R. R. FLORANCE, Trustee.

[Special to The Times-Dispatch.]

NORFOLK, VA. September 15.—Flarney, a rank outsider, closing at 40 to 1, easily captured the second race, a mile, for three-year-olds and upwards, at the Jamestown track to-day, beating Fancy Bird, the odds-on favorite, all the way. Rio Grande, the handicap favorite, was never a contender, but in the other events the popular choices won, the attendance was large and the sport keen. Summaries:

The fire was one of the worst in the sport keen. Summaries:

m., H. W. Jones, 3, 4; Lusius Todd, b.
h., G. B. Stackhouse 4, 3. Time 2:25 3-5,
2:24 3-5.
First rave—Maiden two year-olds, rix
furiongs—Hanonia, 112 (Fulton), 3 to
2, first; Tithonogen, 105 (Troxier), 15
to 10, second; Ed Shuster, 105 (J. Schaller), 4 to 1, third. Time, 1:17 1-5.
Goiden Hope, Belle of the Tribe,
Anna Blue, Sally Toney, Mr. Maginn and
Undeterred also ran.
Second race—Selling, one mile--Flatney, 99 (E. Griffin), 40 to 1, first;
Faney Bird, 111 (W. Walker), 2 to 5,
second; Usury, 108 (Steel), S to 5, third,
Time, 1:44.
Charlatan, Azure Maid, Euripides, Miss
Vigilant, Helen Holland, Leonora G.
and Crawford also ran.
Third, race—Handicap, for three-yearolds and upwards, 1 1-16 miles—Besterlin, 102 (C. Henry), 3 to 1, first; Laughing Eyes, 106 (W. Walker), 5 to 2, second; Evelyn S., 89 (J. Schaller), 20 to
1, third. Time, 1:50.
Rio Grande also ran.
Fourth race—Selling, for three-yearolds and upward, six furlongs—Rob'n
Hood, 113 (Troxier), 2 to 3, first; Westorn Knight, 107 (Fogarty), 5 to 1, second; Sudden Start, 102 (J. Conlin), oven,
third. Time, 1:16 3-5.
Precedence Profit, Lady Corinne, Morrimac, Belle Mina, Laura A. and Bigot
also ran.
Fifth race—Selling, three-year-olds

also ran.

also ran.

Fifth race—Selling, three-year-olds
and upward, six furlongs—Meadow
Breeze, 118 (Troxier) even, first; Mexican Silver, 113 (J. Shea), 4 to 1, second; Lady Irma, 107 (Fogarty), 3 to
1, third. Time, 1:16 3-5.

Bergoo Alamor, Rectortown, Dr. Baker, Alloy, Bingen, Beliford and Tom
McAfee also ran.

TEN FAMILIES HOMELESS.

Nine Dwellings Destroyed by Fire a Spencer, N. C.; Loss, \$11,000.

Nine Dwellings Destroyed by Fire at Spencer, N. C.; Less, \$11,000.

Special to The Times-Dispatch.]

SPENCER, N. C., September 15.—

Fire which had an unknown origin shortly after midnight this morning destroyed nine dwellings and a store building and stock in East Spencer, entailing a loss of about \$11,000, with only \$4,600 insurance.

The losses and insurance, as obtained to day, follows:

J. R. Kiuttz & Son, store, meat market and dwelling, loss \$3,000, with \$2,200 insurance; J. L. Rutty, dwelling, loss \$1,500, insurance \$700;

Steven Earnhardt, loss \$1,500, insurance \$100;

D. H. Huneyoutt, dwelling, owned by H. H. Dunham, loss \$1,000, no insurance; T. D. Causey, dwelling, owned by R. Lee Wright, loss \$1,000, insurance \$400;

Lewis Earnhardt, dwelling, owned by M. S. Lena Mahaley, dwelling, owned by H. M. Dunham, \$1,000, in insurance; J. W. Ellenburg, dwelling, owned by Mrs. Lottle Folger, of Hot Springs, loss \$1,000, insurance on insurance; J. W. Ellenburg, dwelling, owned by Mrs. Lottle Folger, of Hot Springs, loss \$1,000, insurance, well in the surance, insurance, i with no insurance.

The fire was discovered in the

family was awakened. Mr. Kluttz and several members of his household had several members of his household had a narrow escape from cremation in making their exit from the burning building and all of his furniture wat lost. The rear of the dwelling was in flames when the family escaped. The store of Mr. Kluttz, in which was also located a meat market, was a part of the dwelling and was entirely consumed, though a small amount of the stock of general merchandise was saved.

The wind blew almost a gale and the

The fire was one of the worst in the history of the town, but the citizens are to-day getting in shape for busi ness again.

Bears the Signature Chart Flutcher.

"Buy Clinchfield Coal and Save Money."

ROUND \$1.25 TRIP OLD POINT, Every Sunday

OCEAN VIEW AND NORFOLK

Two Trains, 8:30 and 9 A. M.
Ten Hours at Seaside.
Returning, trains arrive Richmond 1.
M. and 10:30 P. M.

Round---\$1.50---Trip

A Smooth Proposition We launder your collars SMOOTH of the top edge, so they won't wear out your NECK.

Smooth on the bottom edge, so they won't wear out your SHIRTS and NECK BANDS.

Smooth on the front edge, so they won't wear out your SCARF.

ITEMS of comfort and saving to YOU, Artesian water.

Franklin Laundry, 303 W. Cary, 106-108 S. Madison Sts.

Our Rebate Coupons will interest you,

RHEUMATEUR FOR RHEUMATISM GHYES IMMEDIATE RELIEF, and in most cases cures Rheumatism, Gout, Selailea, Lumbago, etc. Has stood the test of tworty years, wales increasing on its merits. A urle acid solvent, Contains no oplates.

At all druggists, or Phone 522, (3) A. Greenewald, 500 W. Broad, Richmond, Va.

PRO-PHY-TOL